

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DARLENE HENDERSON,

Defendant.

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CASE NO. 8:15CR221

TENTATIVE FINDINGS

The Court has received the Revised Modified Presentence Investigation Report and Addendum ("PSR") and the Defendant's objections (Filing Nos. 28 and 30). The government adopted the PSR (Filing No. 29). The Defendant has filed a motion for a downward variance and a sentencing proposal (Filing Nos. 31 and 32). See Order on Sentencing Schedule, ¶ 6. The Court advises the parties that these Tentative Findings are issued with the understanding that, pursuant to *United States v. Booker*, 543 U.S. 220 (2005), the sentencing guidelines are advisory.

Accordingly,

IT IS ORDERED:

1. The Defendant's objections to the PSR (Filing Nos. 28 and 30) will be heard at the sentencing hearing;
2. The Court intends to adopt the PSR in all other respects;
3. If **any** party wishes to challenge these tentative findings, the party shall immediately file in the court file and serve upon opposing counsel and the Court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law, and (c) if an evidentiary

hearing is requested, a statement describing why an evidentiary hearing is necessary and an estimated length of time for the hearing;

4. Absent submission of the information required by paragraph 3 of this Order, these tentative findings are final;

5. The Defendant's Contingent Motion for Downward Variance (Filing No. 31) and her Defense Sentencing Proposal (Filing No. 32) will be heard at sentencing; and

6. Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

DATED this 10th day of February, 2016.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge